

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 2 and 20 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 2-7, 10-33, 35-40 and 42 remain pending in this application.

Summary of Claim Rejections:

Claims 2, 4-7, 10-14, 17-38, 40 and 42 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 7,020,304 to Alattar et al. (hereinafter “Alattar”) in view of U.S. Patent No. 7,289,304 to Brunk et al. (hereinafter “Brunk”).

Claims 3, 15 and 16 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Alattar in view of Brunk and further in view of U.S. Patent No. 6,912,010 to Baker et al. (hereinafter “Baker”).

Claim 39 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Alattar in view of Brunk and further in view of U.S. Patent No. 6,487,301 to Zhoa.

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow.

Discussion of Rejections of Claim 2, 10 and 32:

In response to Applicant’s arguments in response to the Office Action, dated April 8, 2008, the Examiner argues that Alattar teaches that a watermark can be used in conjunction with a fingerprint in which the fingerprint is matched to a corresponding fingerprint in a database. See Office Action, dated September 8, 2008, page 2, paragraph 1.

Applicant respectfully disagrees. Alattar's disclosure regarding the use of a watermark and a fingerprint is entirely different from the features recited in pending claims 2, 10 and 32. In particular, one portion of Alattar relied upon by the Examiner (Alattar, col. 10, lines 10-36) describes comparing the extracted watermark values alone to a stored database of values, without any discussions related to fingerprints or content signatures. Further, another portion of Alattar relied upon by the Examiner (Alattar, col. 20, lines 20-57) describes the use of both watermarks and fingerprints. However, this portion of Alattar discloses using the watermark as a calibration signal in order to align the content before computing the fingerprint.

Further, Brunk, col. 7, lines 4-50, which is also relied upon by the Examiner, describes using the watermarks to carry information additional to (and different from) what is conveyed by the content signatures. In the example described in Brunk, a watermark is used to determine who the owner is, and the content signature is used to determine the name and version of the song. As such, according to Brunk, if either the watermark or the content signature is missing, the song cannot be fully identified.

In contrast, pending claims 2, 10 and 32 recite features that are entirely different from the disclosure of Brunk. Unlike Brunk and Alattar, the pending claims do not rely solely on watermark values, do not use the watermark as a calibration signal for aligning the content prior to computing a content signature, and do not use the watermark to carry additional information necessary to identify the content. In fact, the pending claims stress the redundant identification of the content and redundant utilization of watermarks and fingerprints (see e.g., claims 10 and 32). The above-noted features are not taught or suggested by Alattar, Brunk or any other reference of record. Accordingly, claims 10 and 32 are patentable.

Applicant has amended claim 2 to clarify that the comparing of the detected watermark value with the stored watermark value and the comparing of the derived fingerprint value with the stored fingerprint value associated with said stored watermark value is carried out to redundantly identify the broadcast program. Support for the amended feature of claim 2 may be found in the originally filed specification and drawings at, for example, paragraphs [0033] to [0042], and Figures 3 and 4. As discussed earlier, this feature

of the claim 2 is not taught or suggested by Alattar, Brunk or any other reference of record. Accordingly, claim 2 is patentable.

In the Advisory Action, dated November 20, 2008, the Examiner has maintained the rejection of 2, 10 and 32 by asserting that the combination of Alattar/Brunk teaches the use of a fingerprint and a watermark to redundantly identify the broadcast program. Applicant respectfully submits, that the combination of Alattar/Brunk, even if interpreted broadly, describes a complimentary use of a watermark and fingerprint, where the watermark is used to identify one aspect of a content (i.e., of identification of the owner) and content signature is used to identify a completely different aspect of the content (i.e., the name and version of the song). As such, if either the watermark or the content signature is missing, the song cannot be fully identified according to Alattar/Brunk's technique. In contrast, the above-noted claims of the present application are related to use of the fingerprint and watermark to redundantly identify the content. Accordingly, claim 2 is patentable.

Discussion of Dependent Claims:

As to claims 3-7, 12-31, 33, 35-40 and 42, these claims each depend, either directly or indirectly, from one of allowable claims 2, 10 or 32 and are, therefore, patentable for at least that reason, as well as for other patentable features when these claims are considered as a whole. For example, Applicant respectfully directs the Examiner's attention to the various arguments regarding the above-noted dependent claims that were set forth by Applicant in response to the Office Action, dated October 17, 2007. For purposes of convenience, some of these arguments are repeated below.

Discussion of Claim 5

Alattar and/or Brunk do not disclose or remotely suggest, when a combination of watermarking and fingerprinting techniques are used, matching the detected watermark to stored watermark values, and if a match is found, cross-checking the derived fingerprint value with the stored fingerprint value associated with said stored watermark, as set forth in Applicants' claim 5. Accordingly, claim 5 is patentable for this additional reason.

In the Advisory Action, dated November 20, 2008, the Examiner has maintained the rejection of claim 5 by asserting that the combination of Alattar/Brunk teaches

“matching a watermark value to a stored watermark value and then matching a fingerprint value to a stored fingerprint value.” The Examiner is then concluding that these operations of Alattar/Brunk constitute cross-matching that is recited in Applicant’s claim 5. Applicant respectfully disagrees with the examiner and submits that the Webster on-line dictionary defines “cross-matching” as “to check (as data or reports) from various angles or sources to determine validity or accuracy.” As discussed earlier in connection with claims 2, 10 and 32 of the present application, Alattar/Brunk, at best, only describe using the watermark to identify one aspect of the content, and the content signature to identify a completely different aspect of the content. As such, the operations described in Alattar/Brunk do not qualify as cross-checking, both in view of the above-noted dictionary definition of the cross-checking, as well as in the context of redundant identification that has been discussed in connection with claim 1 of the present application.

Discussion of Claim 17

Figure 1 of US 6,505,160, which is relied on by the Examiner and incorporated into the disclosure of Alattar, describes a registration process comprising sending information such as title artist name, etc., and in response receiving an identifier (Fig. 1, and Col. 4, lines 1-6). In Applicant’s claim 17, there is no identification information that is sent back to the embedding process. Rather, in claim 17, information comprising the watermark value and fingerprint are received at a registration authority and verified. The subject matter of claim 17 is thus not disclosed or suggested in Alattar, Brunk or US 6,505,160. Accordingly, claim 17 is patentable for this additional reason.

Discussion of Claim 20

While applicant is unable to locate any descriptions in US 6,505,160 regarding a “partially incomplete” registration (as is discussed by the Examiner on page 9 of the Office Action, dated September 8, 2008), any such partially incomplete registration does not render claim 20 obvious. In the registration process described in US 6,505,160, when an object already has an assigned identifier, that identifier is returned and the registration process is completed upon returning that identifier to a user (Col. 10, lines 30-36). This is contrary to Applicants’ claim 20, where finding a match is indicative of an incomplete registration.

In the Advisory Action, dated November 20, 2008, the Examiner has indicated that, in US 6,505,160, simply producing an identifier does not complete the registration, rather the registration is complete when this identifier is returned to the user. Applicant has amended claim 20 to further clarify that the “production of at least one match as a result of said comparing is indicative of an incomplete registration.” This feature of claim 20, which is supported by, for example, paragraphs [0034] and [0035] of the present application, makes it clear that production of a match is an indication of an incomplete registration. As such, Alattar, Brunk and/or US 6,505,160 do not teach or suggest the above-noted feature of claim 20. Accordingly, claim 20 is patentable for this additional reason.

Discussion of claim 21

Col. 10, lines 24-30 of US 6,505,160, which is relied on by the Examiner, specifies that as part of the registration, a user is prompted to provide content identification information (e.g., title and artist name, etc.) to initiate the registration process. The subject matter of Applicant’s claim 21 is to the contrary. Claim 21 states that, in case of an incomplete registration, the applicant or content owner is notified. As such, Alattar, Brunk and/or US 6,505,160 do not teach or suggest the above-noted features of claim 21. Accordingly, claim 21 is patentable for this additional reason.

Discussion of Claim 23

In the registration process described in US 6,505,160 (Col. 10, lines 30-36), a user is prompted to provide content identification information (e.g., title and artist name, etc.) to initiate the registration process. This is contrary to Applicant’s claim 23, where an applicant or content owner is contacted if the registration produces at least one match.

Alattar, in Col. 10, lines 24-30, describes user interaction (i.e., content owner uploading the version ID to a central database) but this user interaction does not occur, as required by Applicant’s claim 23, when the registration produces at least one match.

The Examiner, in the Advisory Action, dated November 20, 2008, has overlooked the fact that the uploading of any information by the user in the cited sections of Alattar seems to be initiated by the user himself, and not in the course of registration of the content. Furthermore, there are no teaching or suggestions in US 6,505,160 to indicate that if the

production of at least one match results in contacting the user, any such contact results in updating the database in accordance the responder from the applicant or content owner, which is recited in claim 23. As such, Alattar, Brunk and/or US 6,505,160 do not teach or suggest the features of claim 23. Accordingly, claim 23 is patentable for this additional reason.

Discussion of Claim 35

As discussed above, the section of US 6,505,160 relied on by the Examiner pertains to the registration process (and not identification of a received content), and requires contacting the user in order to initiate this registration process. In contrast, with Applicant's claim 35, reception of unregistered content is reported in the event that there is a failure to detect watermarks, and failure to detect a match between the generated fingerprint from the receive content and a database of registered fingerprints. Furthermore, there are no teachings or suggestions in US 6,505,160, Col. 10, lines 26-35, which is relied upon by the Examiner, to indicate that no watermarks are detected. This section of US 6,505,160 merely indicates that if an identifier does not exist in the database, a new identifier is assigned. As such, Alattar, Brunk and/or US 6,505,160 do not teach or suggest the features of claim 35. Accordingly, claim 35 is patentable for this additional reason.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under

37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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